

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

United States of America
v.

)
)
) Case No.
) 20-MJ- 7081
)
)
)

SHAMAR N. BETTS

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 31, 2020 in the county of Champaign in the
Central District of Illinois, the defendant(s) violated:

Code Section
18 U.S.C. § 2101

Offense Description
Inciting a riot

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet.

s/Andrew M. Huckstadt

Complainant's signature

Andrew M. Huckstadt, Special Agent, FBI

Printed name and title

by e-mail.

Sworn to before me and signed ~~by~~ ~~my~~ ~~presence~~.

Attested to by telephone under oath.

s/Eric I. Long

Date: 06/05/2020

Judge's signature

City and state: Urbana, Illinois

Eric I. Long, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Andrew M. Huckstadt, being first duly sworn on oath, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), currently assigned to the Champaign, Illinois, Resident Agency of the Springfield, Illinois, FBI Field Office. Previously, I was assigned to the Memphis, Tennessee, FBI Field Office. I have been a Special Agent with the FBI since August 2008. Through my employment with the FBI, I have investigated numerous criminal violations relating to child exploitation, violent incident crime, kidnapping, drug trafficking, public corruption, civil rights and fraud. I have received training in these areas and have had the opportunity to investigate, and assist in the investigation of, these and other offenses – to include having been the affiant on numerous search warrants, arrest warrants, and criminal complaints.

2. I am also a member of the FBI Joint Terrorism Task Force. I investigated domestic terrorism matters while at the Memphis, Tennessee, FBI Field Office. I have been assigned to work domestic terrorism matters since December of 2019.

3. This affidavit is made in support of an arrest warrant and criminal complaint charging SHAMAR N. BETTS (DOB: _____) (hereinafter referred to as "BETTS") with inciting a riot in violation of Title 18, United States Code, Section 2101.

4. The statements contained in this affidavit are based in part on my own

investigation, information provided by other law enforcement officers, information provided by other witnesses, and my experience and background as a law enforcement officer. The information contained in this affidavit is not an exhaustive account of everything I know about this case. Rather, it is only the facts that I believe are necessary to establish probable cause to issue the requested warrant. If called as a witness to testify, I would testify as follows.

STATUTORY AUTHORITY and TERMS

5. This investigation concerns violations of Title 18, United States Code, Section 2101, relating to the intent to incite a riot or to organize, promote, encourage, participate in, or carry on a riot.

- a. 18 U.S.C. § 2101 prohibits anyone from traveling in interstate or foreign commerce, or using any facility of interstate or foreign commerce, including but not limited to the mail, telegraph, telephone, radio, or television with intent
 - i. To incite a riot; or
 - ii. To organize, promote, encourage, participate in, or carry on a riot; or
 - iii. To commit any act of violence in furtherance of a riot; or
 - iv. To aid or abet any person inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot;
 - v. And who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified above.
- b. The internet is a facility of interstate commerce.
- c. "Riot" means a public disturbance involving (1) an act or acts of

violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

- d. The term "to incite a riot", or "to organize, promote, encourage, participate in, or carry on a riot", includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.
- e. Facebook is a social networking website/application allowing users to post and view videos and pictures, send private messages, join groups with common interests, and add friends.
- f. Facebook also has a feature called "Facebook Live". Facebook Live allows a user to post a live feed video to their page allowing other users to view the live feed and also post comments that are viewable in real time.

PROBABLE CAUSE

6. Through the performance of my official duties as a Special Agent with the FBI, I have become acquainted with the following facts. On May 31, 2020 at approximately 10:31 a.m., Champaign Police Department Intelligence Analyst (IA) Sarah Burgener observed a Facebook post made by Facebook user "Shamar Bett's" (Facebook URL: <https://www.facebook.com/shamar.betts.144/UserID#100044203782670>). The post, which was preserved by IA Burgener, stated as follows (with the exclusion of several

emoji characters): "I'm just the messenger We're literally sitting on our ass watching the whole country and even others fight for our black rights Y'all think we don't suffer through inequality here EVERYDAY We gotta put Champaign/Urbana on the map mfs gone hear and fear us too. SLIDE let's get busy Justice for George FUCK12." A copy of this post is attached hereto as Exhibit A.

7. This post was accompanied by a flyer advocating for a riot at Market Place Mall (located at 2000 N. Neil Street, Champaign, Champaign County, in the Central District of Illinois). The flyer further contained a meeting time of 3 p.m. and specific instructions to "Bring friends & family, posters, bricks, bookbags etc." as well as a statement indicating "After the mall we hitting the whole PROSPECT & NEIL." These words were overlaid on a stock image of a riot including a burning vehicle. A copy of this post is attached hereto as Exhibit B.

8. Officers of the Champaign Police Department responded to the area to observe the protest and respond to any acts of violence. At approximately 2:36 p.m., a group of approximately 50 to 75 people were reported gathering at the mall. The group continued to grow in size. At approximately 3:12 p.m. the group began breaking out windows at businesses located in the mall and looting merchandise from within.

9. Facebook user "Shamar Bett's" posted a Facebook Live video during this time stating, "Look what a nigga just started...look what a nigga just started. We out here...we out here...we out here...we out here. All ya'll talking that shit under my post...we out here. Fuck that I needs that...we out here. " The user can also been seen carrying multiple items, to include numerous pairs of khaki pants with Old Navy tags on

them. Although the user's face cannot be seen on the video, at one point his left leg and foot are visible and he can be seen wearing blue jogger-style pants and black shoes identical to those depicted in a Facebook photograph posted by "Shamar Bett's" on May 31, 2020 at 1:29 p.m.

10. Additional law enforcement resources were deployed to the Market Place Mall to respond to the riot and attempt to control the group, which continued to grow in size and began vandalizing and/or looting other businesses in the area including Gordman's, Kohls and TJ Maxx. The group then moved on to the shopping portion of N. Prospect Avenue and continued vandalizing and/or looting numerous stores in the area, to include Meijer, Best Buy, Shoe Carnival and Walmart. This activity continued throughout the night and into the early morning hours of June 1, 2020. By the end of the night, approximately 50 businesses in the area had been vandalized and/or looted.

11. Champaign Police Department investigators searched local law enforcement databases and obtained a known photograph of BETTS. The known photograph of BETTS appeared to be the same individual depicted in photographs on "Shamar Bett's" Facebook page. In addition, a known photograph of BETTS obtained from the Urbana Park District Forest Preschool Handbook appeared to be the same individual depicted on "Shamar Bett's" Facebook page as well as the known photograph of BETTS.

12. On May 31, 2020 at approximately 4:30 p.m., Champaign Police Department Detective Corey Phenicie obtained video footage of the group's looting activities. This video was recorded live and also was available later online. At approximately the 1 minute and 41 second mark of the video, an individual matching BETTS' description can

be seen exiting the Old Navy store located at the Market Place Mall with a handful of clothing items to include what appear to be multiple pairs of khaki pants. The clothing worn by this individual appears to be the same as the clothing worn by the user depicted in the aforementioned Facebook Live video.

13. Champaign Police Department investigators submitted a preservation request to Facebook on June 1, 2020 after the initial post by "Shamar Bett's" inciting the riot appeared to have been deleted. Following the initial referenced post, another post was found on "Shamar Bett's" account, which reads as follows (with the exclusion of several emoji characters): "They tryna portray me to be some type of monster yet I'm a fucking hero if we don't stand for something we'll fall for anything love my black people #J4G."

14. On the evening of June 1, 2020, Champaign Police Department obtained a state arrest warrant for BETTS charging him with Burglary in violation of Illinois state law, 720 ILCS 5/19-1(a). On the morning of June 5, 2020, Betts was located by the United States Marshals Service in the State of Mississippi.

FURTHER AFFIANT SAYETH NOT.

s/Andrew M. Huckstadt

Special Agent Andrew M. Huckstadt
Federal Bureau of Investigation
Champaign, Illinois



Subscribed and sworn to before me this 5th day of June 2020.
By e-mail and attested to
by telephone.

s/Eric I. Long

ERIC I. LONG
United States Magistrate Judge

EXHIBIT A

Verizon LTE 10:31 AM 37%

<  **Shamar Bett's**
43 mins · 

I'm just the messenger 🗨️ We're literally sitting on our ass watching the whole country and even others fight for our black rights 🇺🇸 Y'all think we don't suffer through inequality here EVERYDAY 🗨️ We gotta put Champaign/Urbana on the map mfs gone hear and fear us too. SLIDE let's get busy 🗨️ !!! Justice for George FUCK12 🗨️

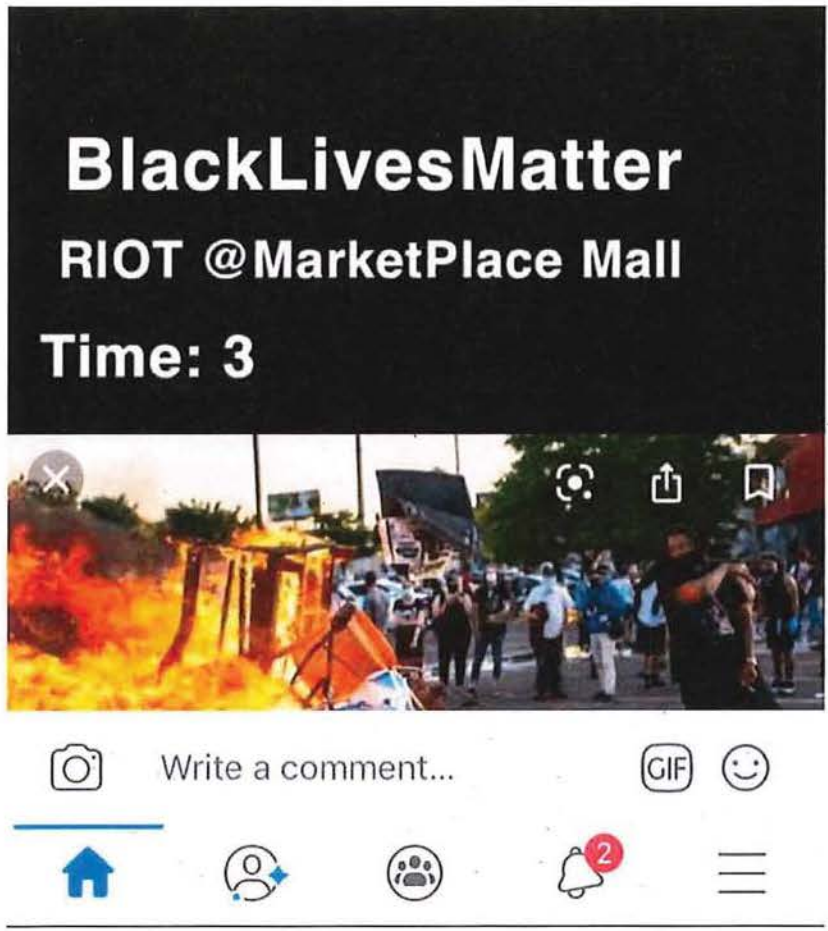



EXHIBIT B

BlackLivesMatter
RIOT @MarketPlace Mall
Time: 3



Bring friends & family, posters, bricks, bookbags etc.

2 days ago
After the mall we hitting the whole PROSPECT & NEIL